

Gooseberry Island Appeal

Motion: Mr. Shaw moved to go into executive session to discuss strategy with respect to litigation as an open meeting may have a detrimental effect on the bargaining or litigation position of this public body from which we will not return to open session. Seconded by Brad Sweet. Roll Call Vote: Bud Shaw, yes; Dale McKay, yes; Mark Gurnee, yes; John Rogers, yes; Brad Sweet, yes; and Robert Anderson, yes. Vote unanimous 6-0

The Agent updated the commissioners on Gooseberry Island. Town Counsel, Kate Connelly, wants to come in before the commission to present different options. The revised plan that was presented during the prehearing conference from the applicants was a steel span bridge with all the piles to be removed from the salt marsh. DEP's only objection was that they thought the project didn't meet performance standards for salt marsh. The only piles are three sets of piles in the intertidal area. The piles previously were to be in the salt marsh area. DEP is willing to accept that plan. The Agent noted our shellfish constable determined the area was land containing shellfish as did the Division of Marine Fisheries. Two experts testifying and DEP didn't use that as a reason for denial.

All of this is very preliminary. Town Counsel has a lot of different options and would like to come to the next meeting and make a presentation. The Commissioners agreed to have town counsel come into their meeting on September 24.

The applicant's opportunity to appeal the bylaw decision has come and gone. The issue whether it was 21 days from January 8 or January 27 and whether the orders got out on time is extremely important when it comes to the bylaw and moving forward. They still have to meet the state standards. He noted there is still a lot of missing information and that would be grounds for denial. The judiciary hearing is in November.

Motion: Mr. Shaw moved to close the executive session, seconded by Mr. Sweet. Roll Call Vote: Bud Shaw, yes; Dale McKay, yes; Mark Gurnee, yes; John Rogers, yes; Brad Sweet, yes; and Robert Anderson, yes. Vote unanimous 6-0

Respectfully submitted,

Judy Daigneault
Recording Secretary